

**A RESOLUTION BY COUNCILMEMBER STARNES**

**A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA, ON BEHALF OF THE GEORGIA INSTITUTE OF TECHNOLOGY, TO ALLOW THE BOARD OF REGENTS TO CONSTRUCT CERTAIN IMPROVEMENTS TO THE PUBLIC RIGHT-OF-WAY ALONG 5<sup>TH</sup> STREET, INCLUDING IMPROVMENTS TO NEWLY ACQUIRED REAL PROPERTY ABUTTING 5<sup>TH</sup> STREET THAT WILL BE CONVEYED TO THE CITY AS ADDITIONAL RIGHT-OF-WAY; AND FOR OTHER PURPOSES.**

**BACKGROUND:**

**WHEREAS**, GIT has plans to implement a significant right-of-way expansion and improvement project for 3 blocks of 5th Street (the "Existing Right-of-Way") on the GIT campus between the I-75/85 connector and Ferst Drive;

**WHEREAS**, these improvements are necessary to prepare for the realignment of campus activity and to address transportation and pedestrian demands that will result from the opening of the campus extension located on 5<sup>th</sup> Street on the east side of I-75/85 known as "Technology Square" in the summer of 2003;

**WHEREAS**, the project also involves the proposed acquisition by the CITY of certain strips of real property (the "New Right-of-Way")(the "Existing Right-of-Way and New Right-of-Way are referred to collectively as the "Expanded Right-of-Way") from landowners abutting the Existing Right-of-Way and the incorporation by GIT of those acquired strips into a widened public right-of-way; a list of the proposed addresses and approximate square footage of real property to be conveyed to the CITY is attached as Exhibit 1;

**WHEREAS**, GIT desires for the New Right-of-Way to be conveyed to the CITY as additional public right-of-way and for the significant right-of-way improvements on the New Right-of-Way, as well as the improvements to the Existing Right-of-Way, to inure to the benefit of the CITY;

**WHEREAS**, GIT has hired WRT Consultants to prepare design plans and Jordan Jones & Goulding as an engineering firm for the public right-of-way improvement project contemplated for the Expanded Right-of-Way on 5<sup>th</sup> Street;

**WHEREAS,** the CITY desires to provide to GIT and its contractors/subcontractors adequate access through 5<sup>th</sup> Street to effect the Expanded Right-of-Way improvements;

**WHEREAS,** the CITY's Department of Public Works has reviewed and approved the proposed plans for the improvements to the Expanded Right-of-Way;

**WHEREAS,** the CITY has also determined that it is desirable and in its best interests to allow GIT to construct the improvements to the Expanded Right-of-Way, as well as to take a conveyance in fee simple from the abutting landowners of the New Right-of-Way;

**WHEREAS,** the parties now desire to enter an Intergovernmental Agreement to outline the terms of this transaction between the CITY and GIT;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

1. That the CITY is authorized to accept by Limited Warranty Deed(s) the conveyance to it from landowners abutting the Existing Right-of-Way of the real property to constitute the New Right-of-Way, such New Right-of-Way to be carved out of the real property addresses and to comprise the approximate square footages set forth on Exhibit 1 attached to this Resolution; and
2. That GIT will provide to the CITY a policy or policies of Title Insurance insuring, to the satisfaction of the CITY, title to the parcels of real property that will comprise the New Right-of-Way; and
3. That the Mayor is authorized to enter into an Intergovernmental Agreement with The Board Of Regents of the University System of Georgia, on behalf of The Georgia Institute Of Technology, for the construction and installation of improvements to the Expanded Right-of-Way, in a form and pursuant to conditions determined by the Commissioner of the CITY's Department of Public Works and the City Attorney to be desirable, appropriate and in the best interests of the CITY for this transaction, including terms concerning bonding and insurance.
4. That the City Attorney is directed to prepare the Intergovernmental Agreement for execution by the parties to this transaction.
5. That the Intergovernmental Agreement will not become binding upon the CITY and the CITY will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk and delivered to GIT.

**Exhibit 1**

# 5th Street Corridor Estimated Property Encroachment

Address	Organization	Estimated SF Encroachment
825 Techwood Drive	Phi Sigma Kappa	83
159 5th Street	Tau Kappa Epsilon Georgia Tech Foundation, Inc.	300
166 5th Street	Betty & Larry Willis	542
171 5th Street	Alpha Gamma Delta	119
177 5th Street	Zeta Tau Alpha	133
189 5th Street	Delta Upsilon	307
154 5th Street	Delta Chi	1,170
170 5th Street	Board of Regents	533
176 5th Street	Lutheran Center	523
182 5th Street	Pi Kappa Alpha	412
260 5th Street	Sigma Phi Epsilon	819
190 5th Street	Total	803
		<b>5,745</b>
BoR land leased to Greeks		
	BoR leased to Phi	
800 Fowler Street	Kappa Theta	1,217
	BoR Land leased to	
220 5th Street	Pi Kappa Phi	986
	BoR Land leased to	
230 5th Street	Phi Mu	900
		<b>3,103</b>

## 5th Street Corridor Estimated Property Encroachment

Total of Owned and Leased land

8,848